IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 22540 of 1996

Between:

Fareeda Banu W/o.Ziaul Kareem
R/o.6, 14, A Peta Kurnool.

..... PETITIONER

AND

1 Government of Andhra Pradesh rep.by its Secretary
Panchayat Raj Department Secretariat Buildings,
Hyderabad
2 Commissioner of Panchayat Raj Government of Andhra Pradesh
Hyderabad
3 The District Collector / Chairman District Selection Committee
Z.P.P.Kurnool
4 The Chief Executive Officer/ District Development Officer,
Zilla Praja Parishad Kurnool
5 The District Educational Officer, Kurnool
6 The Mandal Development Officer Mandal Praja Parishad
Nandyal, Kurnool Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus: a) declaring the action of the respondents in denying employment to the petitioner as violative of Articles 14,16 and 21 of the Constitution of India and opposed to the principles of natural justice, b) further order the respondents herein to

give suitable posting orders to the petitioner either as Special Grade Assistant Urdu, alternatively as Special Teacher in the 6th respondent Mandal or any other place, c) Further direct the respondents to consider the claim of the petitioner for grant of all backwages including the seniority on the base of selection on par with candidate selected vide proceedings dt.26/10/1987.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondent Nos.1,2,3,5 & 6: None appeared.

Counsel for the Respondent No.4: MR.P.RAGHAVENDRA REDDY

The Court made the following :

:ORAL ORDER:

By the proceeding of the District Development Officer (Incharge), Zilla Praja Parishad, Kurnool (for short 'the DDO') dated 03-12-1987, the earlier appointment order issued to the petitioner on 26-10-1987 appointing her as a Secondary Grade Teacher (Urdu) (for short 'SGT'), on a regular basis, was cancelled on the ground that she did not earlier work as a Special Teacher. That is the grievance in the writ petition.

The petitioner, pursuant to an advertisement, applied for and attended selection for the post of SGT Special Teacher before the District Selection Committee in 1985. Her name was not set out in the final selection list for the post of SGT prepared and signed by the members of the District Selection Committee. However, by proceedings dated 26-10-1987 of the DDO, the petitioner was identified as one of the teachers selected and was also allotted to Nandyal Mandal for issuance of posting orders. The Mandal Development Officer, Nandyal, by the proceedings dated 04-11-1987 declined to give posting orders to the petitioner, as there was no regular post of SGT (Urdu) in the Mandal. Thereupon, the petitioner submitted a representation dated 25-11-1987 to the DDO sensitizing the said authority of the refusal of the Mandal Development Officer, Nandyal to give her posting orders. Responding to this representation of the petitioner dated 25-11-1987, the DDO, by the impugned order dated 03-12-1987 cancelled the earlier orders dated 26-10-1987 appointing the petitioner as a regular SGT.

After waiting for nearly nine (9) years, the petitioner filed this writ petition on 17-10-1996 challenging the orders dated 03-12-1987. The writ petition is hopelessly barred by delay and laches. In all this period of nearly a decade, other persons might have been appointed as SGT in Zilla Praja Parishad, Kurnool district and would have also earned promotions or other career opportunities. They would have assumed a legitimate expectation of security of tenure. All these expectations are required to be scrutinized and, if inappropriate invalidated, leading to considerable tumult and turmoil in the establishment of Zilla Praja Parishad, Kurnool district. This the petitioner cannot be permitted to do after inordinate and unexplained delay. On

the above analysis, the writ petition is dismissed. There shall, however, be no order as to costs.

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GODA RAGHURAM, J

Dt. 10-08-2004

Pvks/*

To

1 The Secretary, Panchayat Raj Department, Government of Andhra Pradesh
Secretariat Buildings,
Hyderabad
2 The Commissioner of Panchayat Raj, Government of Andhra Pradesh
Hyderabad
3 The District Collector / Chairman District Selection Committee
Z.P.P.Kurnool
4 The Chief Executive Officer/ District Development Officer,
Zilla Praja Parishad Kurnool
5 The District Educational Officer, Kurnool
6 The Mandal Development Officer, Mandal Praja Parishad
Nandyal, Kurnool Dist.

7.2CCs to Government Pleader for Panchayat Raj, A.P. High Court Buildings, Hyderabad (OUT).

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